

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GABRIEL BURRESS,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-22-500-R
)	
RAY ELLIOTT, ET AL.,)	
)	
Defendants.)	

ORDER

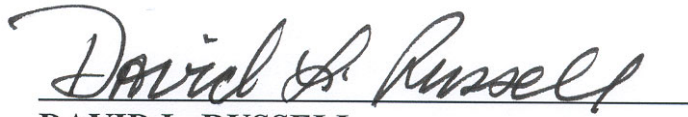
Plaintiff, appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) the matter was referred to United States Magistrate Judge Amanda Maxfield Green for preliminary review. (Doc. No. 4). On August 11, 2022, Judge Green issued a Report and Recommendation wherein she recommended that the Court dismiss this action without prejudice because Plaintiff failed to properly file a Complaint on the appropriate form as ordered on June 23, 2022 and again on July 18, 2022.¹ In response to the Report and Recommendation Plaintiff did not file an “Objection” but rather wrote a letter that appears to address his *in forma pauperis* applications, which were not addressed on the merits in the Report and Recommendation. (Doc. No. 15).² He indicates that he mailed an indigent packet in this case and questions whether it was received by the Court. Consistent with Plaintiff’s representations, the Court did receive a letter addressing his indigent packet as well as two separate motions for leave to proceed

¹ According to Staff Notes on the docket sheet, not available to the public, the form was mailed to Plaintiff on July 5, 2022.

² Document Number 14 is a letter that does not make any particular request. The Court notes for future reference, in the event Plaintiff refiles this action, the proper manner for requesting relief from the Court after the filing of the complaint is via motion, not letter.

in forma pauperis. (Doc. Nos. 10, 11, and 12). In light of Plaintiff's failure to object to the Report and Recommendation the Court hereby ADOPTS the Report and Recommendation and the action is hereby DISMISSED WITHOUT PREJUDICE. Plaintiff's Motion to Appoint Counsel is DENIED AS MOOT as are the Motions for Leave to Proceed in Forma Pauperis.

IT IS SO ORDERED this 12th day of September 2022.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE